

**Kansas Dental Board  
Minutes of July 25, 2008**

The Kansas Dental Board met on July 25, 2008, at 9:00 am at the LSOB, Room 108, Topeka, Kansas.  
The following committee met prior to the meeting: Regulatory Review

**1. Call to order and welcome.**

Dr. Richard Darnall, DDS, President called the meeting to order at 9:00 am. Other Board members present: Ms. Denise Maus, RDH, Secretary; Dr. Karen Callanan, DDS; Dr. Brad Higgerson, DMD; Dr. Roger Stevens, DDS. Also present were Mr. Clint Patty, attorney for the Board; Betty Wright, Executive Director; Dr. Steven Johnson, Board inspector (present until 11:30 a.m.) and Melissa Graham, Admin. Officer. Absent: Ms. Jane Criser, RDH, Vice -President; Robert Henson, DDS; Korey Hensley, public member; Dr. Richelle Roy, DDS.

**2. It was moved and seconded to approve the agenda. The motion passed.**

**3. The Public hearing began at 9:03 a.m. on: Article 9. Practice of Dentistry by A Dental Student KAR 71-9-1, 71-9-2, 71-9-3, 71-9-4; and Article 10, Practice of Dental Hygiene by A Dental Hygiene Student KAR 71-10-1, 71-10-2, 71-10-3, 71-10-4.**

The board heard testimony from Diane Huntley, RDH from the Wichita State University Dental Hygiene Dept.; Dr. Kathy Weno, DDS, Director of the Office of Oral Health, KDHE; Teresa Schwab, Oral Health Kansas, Cathy Harding, KAMU; Ginny Clark, RDH, KDAHA. Written comments were also considered from Dr. Michael McCuniff, DDS, Director of Outreach, and Dr. Harv Eplee, Clinical Associate Dean of UMKC;

**It was moved to consider both sets of regulations together before any vote is taken to approve the regulations. The motion passed.**

**It was moved and seconded to add "and is not currently licensed by the Kansas Dental Board" to 71-10-1 (a)(2). The motion passed.** The proposed regulation will be:

71-10-1(a) (2) is currently enrolled as a student at a dental hygiene school approved by the board and is not currently licensed by the Kansas Dental Board.

**It was moved and seconded to delete proposed 71-9-3 (e) and 71-10-3 (e) and replace 71-9-3(e) with "the administrator of the program shall have proper policies and procedures in place to ensure the care of each patient treated in the program." The motion passed.** The board agreed this is a substantial change in the regulations, and all the proposed changes will go directly to the Department of Administration, the Attorney General's office, and will have another public hearing.

**It was moved and seconded to remove "through the educational institution" from 71-9-3(f) and 71-10-3(f). The motion passed.** The proposed regulations 71-9-3 (f) and 71-10-3(f) will state:

(f) Each dental/dental hygiene student shall have professional liability coverage.

**It was moved and seconded to send the revisions back to the Dept. of Administration and through the Attorney General's office and have another public hearing.**

ADJOURN: The Board adjourned for a break at 10:25 a.m.

RECONVENE: The Board reconvened at 10:37 a.m.

**4. It was moved and seconded to approve the minutes from February 1, 2008. The motion passed.**

**5. Report of Dr. Darnall, president.** He reports that the board will work with a committee of the KDA to draft language for a teeth bleaching regulation, as described within the recent AG opinion.

**6. The following Stipulation Orders were presented by Clint Patty:**

Diane Dyer-Chenoweth, DDS. The action was a fine of \$1000, and is based upon failing to provide evidence of completion of continuing education in a board audit of 2006 renewals. **It was moved and seconded to approve the stipulation. The motion passed.**

Robert Moody, DDS. The action was a fine of \$2500 and additional continuing education with 24 hours in oral surgery, 6 hours of recordkeeping and risk management to be approved by the malpractice insurance carrier and is based upon several patients' records in which a diagnosis was not recorded, and prescriptions were not recorded in the patient's dental records. The dentist failed to maintain adequate records. **It was moved and seconded to approve the stipulation. The motion passed.**

Carol Ysidro, DDS. The action was a fine of \$500 and to cause all billboards or other signage containing claims of superiority to be taken down or permanently covered. **It was moved and seconded to approve the stipulation. The motion passed.**

Mark Bagby, DDS. The action was a fine of \$1000, and is based upon failing to provide evidence of completion of continuing education in a board audit of 2006 renewals. **It was moved and seconded to approve the stipulation. The motion passed.**

Raymond Matthew, DDS. The action is a surrender of his dental license. The action follows an Emergency Suspension based upon his health and his failure to stop practicing after the license was suspended. **It was moved and seconded to approve the stipulation. The motion passed with one abstention.**

7. Dr. Higginson reported on the Investigative Committee. The committee now includes Dr. Darnall and Ms. Criser. It is an open meeting due to having more board members, and meets more frequently in the board office.

8. Dr. Johnson discussed dental office sanitation inspections. Ms. Maus asked that dental offices that have not been inspected in the last five years become a priority. Dr. Johnson said he will inspect all of these before the board meeting in November. He described there may be dental clinics not being inspected due to the absence of a dentist at the location. Dr. Callanan offered to help coordinate or determine if there are dental clinics, hubs, etc. that may not be reported to the board. The members discussed whether the inspections should be a surprise, most agree they should be, if the inspector needs to assure the office is open, an anonymous call could be made in advance, but not disclose that the inspector is coming. Hygiene schools should be inspected. Dr. Callanan offered to review inspections and see if there are dental facilities that are being missed on inspections.

9. The board addressed an inquiry by Dr. Sager, Manhattan in which he asked the board for a formal endorsement of the dental use of therapeutic injectables for treatment of aberrant oral facial muscles imbalance. The board discussed they will not endorse a specific product or class of products or procedures. The board agreed that as long as the injectables are used for dental purposes, it is within the scope of dentistry.

10. Betty Wright has published the newsletter for July.

11. Regulatory Review Committee – Reports that the sedation regulations were returned from the AG's office with some minor revisions requested by the Attorney General. Two sections were discussed. **It was moved and seconded approve to strike the anxiolysis regulation 71-5-10. The motion failed.**

**It was moved and seconded approve to add "to the board" to the anxiolysis regulation. The motion passed.**

The Attorney General's office also recommended that 71-5-14 be stricken because it reiterates the statute and the regulation as proposed went beyond its authority. **It was moved and seconded to strike the original version of 71-5-14 and substitute, "In order for a sedation permit to be granted or renewed, a dentist shall not be subject to disciplinary action taken pursuant to KSA 65-1436 and amendments thereto, for any violation of the regulation of dentists and hygienists." The motion passed.**

Dr. Callanan reported events from the ADEX Meeting. Jane Criser was reappointed as the hygiene representative for District 3. There are concerns about the hygiene exam. Dr. Dvorak was appointed as director for Region 3. The board of directors of ADEX can now make substantial changes to examinations without consulting the member states.

12. Dr. Stevens reported that if an applicant has been licensed in another state for less than 5 years, the applicant will be granted a license by examination rather than by credentials.

Dr. Stevens reported that currently the license applications require several reference letters for dentists and hygienists. **It was moved and seconded that one letter of reference from a licensed dental professional attesting to the applicant's character will be sufficient on the applications. The motion passed.**

Dr. Stevens suggested that Kansas could become a member of the Western Regional Examination Board (WREB) due to the fact that UMKC is offering the WREB exam to its graduates and more applicants are now relying on this exam. **It was moved and seconded to become a member of WREB. The motion passed.** Appointments to WREB will be made later.

13. The next board meeting will be November 7, 2008 and will be at Room 217C at UMKC dental school, Kansas City, Mo.

14. **It was moved and seconded to adjourn at 12:20 p.m. The motion passed.** The meeting was adjourned.

The following were guests of the Dental Board meeting: Diane Huntley, RDH, WSU; Dawn McGlasson, RDH, KDHE; Kathy Weno, DDS, KDHE; Ginny Clark, RDH, KDHA; Teresa Schwab, Oral Health Kansas; Cathy Harding, KAMU; Denise Curtis, DDS, KAMU.

Denise L. Maus 11-7-08  
Denise Maus, RDH Secretary date